

## **2nd QUARTERLY PROGRESS REPORT**

**2nd Quarter 2021**

### **PROTECO LANDFILL SITE**

**Peñuelas, Puerto Rico**

**Report Date:** October 15, 2021

**Reporting Period:** July 1, 2021 through September 30, 2021

This Quarterly Progress Report was prepared by *de maximis, inc.* for the PROTECO Site (Site) on behalf of the Proteco Landfill Generators Parties Group (Group), pursuant to Paragraph 34(a) of the Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study (Order) and Section XIII, Task 12, of the Statement of Work (SOW) attached to the Order as Appendix C.

### **QUARTERLY PROGRESS REPORT ELEMENTS**

The four (4) Quarterly Progress Report Elements, and their sub-elements, are defined in the SOW, Task 12 and are itemized below:

**1. Summary of Settlement Agreement Compliance Actions Performed this Quarter**

**1.1 Repair of Access Barrier Post**

Rightway Environmental (RE) successfully completed the repair of the damaged barricade post at the west entrance of the Site on August 18 and 19, 2021. Attachment A to this report provides photos documenting the barricade repair activities.

**1.2 Group response to EPA Comments on Site Clearing Plan (CP)**

The Group submitted their responses to EPA comments on August 13, 2021.

**1.3 Revised Site CP and Interim Storm Water Pollution Prevention Plan (SWPPP)**

The Revised Site CP, including an Interim SWPPP, was submitted to EPA on September 24, 2021 for Agency review and approval. In a phone conversation on August 19, 2021, EPA stated that the Interim SWPPP should treat the Site as an “island” and focus on the planned Site clearing activities, meaning, the Interim SWPPP should not consider the sedimentation ponds (described further in Section 4.1.1 below). Treating the Site as an island is understood to mean focusing current Group efforts on stormwater and erosion control issues within the boundary of the Site as defined by the “Support Document for the Revised National Priorities List Final Rule PROTECO” (EPA, May 2019). As such, the Revised CP and SWPPP as presented to EPA does not account for final fate discharges from the Site although it does include best management

practices (BMPs) for onsite stormwater and erosion control. EPA approved the Revised Site CP on October 4, 2021.

**1.4 Determination of Site Boundaries for Public Records**

The Group retained a licensed Puerto Rico surveyor to search public records and attempt to find legal boundaries for the Site. The Group also contacted the landowner's attorney in an attempt to determine the availability of any registered Site plans and to improve the Group's understanding of the Site's operational boundaries. The Surveyor was unable to find any public records that describe or delineate the legal boundaries of the Site. The landowner's attorney did not have any records that described the Site boundaries.

**1.5 Extension of Project Schedule by EPA**

On August 13, 2021, the Group requested a one hundred twenty (120) day extension for completion of the Site Reconnaissance Visit. On August 31, 2021, EPA granted the 120-day extension request. The Group's current deadline for completing the Site Reconnaissance Visit is December 30, 2021.

**2. Summary of sampling and tests performed at the Site by the Respondents this Quarter**

No media sampling or laboratory testing was performed by the Group during this quarter.

**3. Summary of Work and Schedule Planned for Next Quarter (October through December 2021)**

**3.1 Work Planned**

3.1.1 The Group plans to begin Site vegetation clearing and implementation of the Site stormwater and erosion controls as described in the Revised Site CP and Interim SWPPP.

3.1.2 The Group plans to mobilize a surveyor once sufficient clearing of Site vegetation has been performed to allow the surveyor to locate the waste units. The surveyor will also establish a Site boundary based upon existing information and Site plans once sufficient vegetation has been cut.

3.1.3 The Group intends to confirm the date for the Site Reconnaissance Visit with EPA once sufficient vegetation has been cut and the surveyor has established the locations of the former waste beds at the Site.

**3.2 Schedule for Planned Work**

A simplified Gannt chart schedule is provided with this report as Attachment B.

### 3.3 Impact of Planned Work on RI/FS Completion Schedule

Clearing the Site of vegetation and performing the surveys to locate former waste disposal units and the Site boundaries will allow the Group to schedule the Site Reconnaissance Visit. The date of the Site Reconnaissance Visit is the first major milestone in the RI/FS process with all subsequent activities, meetings and deliverables measured from that date in the schedule.

## 4. Summary of Problems, Delays and Solutions

### 4.1 Problems Encountered During this Quarter

#### 4.1.1 Sedimentation Ponds and Bypass Canal

In the August 13, 2021 transmittal letter for the Group's response to EPA's comments on the Site CP, the Group reported that what appears to be a bypass canal has been constructed on the adjacent EC Waste landfill property that prevents stormwater from the Site from entering two sedimentation ponds (hereinafter, the "Upper and Lower Sedimentation Ponds") that were originally constructed as a single sedimentation pond designed to receive stormwater from the Site. See "Closure Certification Document for Proteco Landfill Closure" (Law, 1999) (hereinafter, "1999 Closure Certification Document").

It is important to note that stormwater from the upper two-thirds (2/3) of the Site drains into the roadside stormwater drainage ditch located along the paved road between the Site and the adjacent EC Waste landfill. This roadside stormwater drainage ditch flows to the southwest, away from the Site, around the EC Waste landfill maintenance facility, and then turns southeast toward the current upper and lower sedimentation ponds. The bypass canal intercepts the stormwater from the roadside stormwater drainage ditch and prevents the stormwater from entering the Upper and Lower Sedimentation Ponds.

In November 2020, the EC Waste landfill culvert which empties into the roadside concrete stormwater ditch was observed by the Group's Technical Consultant, Geosyntec, to be discharging water that had an odor, was stained and appeared to be leachate. In December 2020, the Group presented Geosyntec's observations and photographs of the potential leachate discharging from this culvert with EPA in a Zoom meeting. If this culvert is discharging leachate from the EC Waste landfill, this leachate also flows into the roadside stormwater drainage ditch and then the bypass canal.

Based on our review of Google Earth aerial photographs of the area, the roadside stormwater drainage ditch originally emptied into a single sedimentation pond. As

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noted above, the single sedimentation dam and pond are identified as elements of the EPA-approved RCRA post-closure plan for the PROTECO Site in the 1999 Closure Certification Document.

The single sedimentation pond was later divided into two (2) sections with the construction of a second earthen dam upstream of the original sedimentation dam. The second dam created the Upper Sedimentation Pond. The lower dam and Lower Sedimentation Pond appear to be the original stormwater control structures described on the 1999 Closure Certification Document.

In a September 27, 2021 email to EPA, the Group requested that EPA verify whether the Upper and Lower Sedimentation Ponds are a component of EC Wastes' current NPDES permit. Based on follow-up communication with EPA, we understand that the issue was referred to the EPA NPDES section. As of September 30, 2021, the Group has not received any information from the EPA NPDES section about this important issue. The Group will likely need EPA support and guidance on how to deal with the operators of neighboring facilities.

- 4.1.2 The presence of a trespasser with his cattle and horses at the Site remains an issue. As reported in the 1<sup>st</sup> Quarterly Progress Report, the attorney for the landowner verbally confirmed to the Group that there is no lease or grazing rights agreement between the landowner and the trespasser. As described in Section 1.1 of this report, one of the barricade posts at the west entrance of the Site had been removed and damaged, presumably by the owner of the cattle and horses to gain access to the Site. The presence of livestock at the Site presents an ongoing potential damage issue for the planned stormwater and erosion control installations. Removing the livestock from the Site with the assistance of local authorities or otherwise presents the potential for confrontation with the trespasser and delays in project implementation.
- 4.1.3 The requirements to revise the Site CP and prepare the Interim SWPPP for inclusion in the Site CP required a delay in the schedule.
- 4.1.4 The surveyor determined that no public land records, or private lease records exist which contain any survey data or specific location information regarding the Site boundaries. The surveyor also could not find any public records with the legal boundaries for the two (2) landfill operations which are adjacent to the Site, namely the EC Waste landfill and the Ecosystems landfill. The landowner's attorney did not have any records that describe the Site boundaries. As a solution, the Site boundaries will be established by the surveyor based upon information and Site maps contained in the "Support Document for the Revised National Priorities List Final Rule – PROTECO" (EPA, May 2019) and "Hazardous Waste Management Unit Post-Closure Care Permit Application" (Law Environmental, July 1999).

**4.2 Anticipated or Potential Problems Next Quarter**

None of the Landfills in the valley (Proteco, EC Waste or Ecosystems) have surveyed and/or recorded legal boundaries. Establishing the Site boundaries based upon existing documentation and Site plans is a critical matter to the Group. The Group must determine, to the best of our abilities, how those boundaries meet with the two (2) current and active landfill operations boundaries adjacent to the Proteco Site.

**4.3 Schedule Delays Encountered This Quarter**

Revising the Site CP and preparation of the Interim SWPPP resulted in delaying Site clearing and surveying. These delays also resulted in the need for an extension of the deadline for conducting the Site Reconnaissance Visit, which is currently scheduled for December 30, 2021.

**4.4 Anticipated or Potential Schedule Delays Next Quarter**

Delays to the Site clearing and survey work may occur depending on the local availability of required materials. If not locally available, material shipping schedules to Puerto Rico may impact the schedule. The Group will coordinate with, and provide brief updates to, EPA during the mobilization period. Significant rainfall and inclement weather, including hurricanes and tropical storms, also present the potential to impact and delay field activities. The Group may need to request an extension to the schedule for the Site Reconnaissance Visit depending on weather, logistics and Site clearing issues.

**4.5 Solutions Implemented to Address Actual Problems or Schedule Delays This Quarter**

The Group requested and received a 120-day extension from EPA to the project schedule.

**4.6 Solutions Planned to Address Anticipated Problems or Schedule Delays Next Quarter**

Weather and/or mobilization issues may create the potential for the Group to request an extension to the project schedule to allow for sufficient time to complete the Site clearing and survey work. This work needs to be completed prior to the Site Reconnaissance Visit.

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## **Attachment A**

### **Photographs of Barricade Post Repair Work**

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Rightway Worker Removing Old Concrete from Barricade Post



Soil Auger Drilling New Barricade Post Hole

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Barricade Post Secured with New Concrete



Repaired Barricade Post with Installed Steel Cable and Safety Drums

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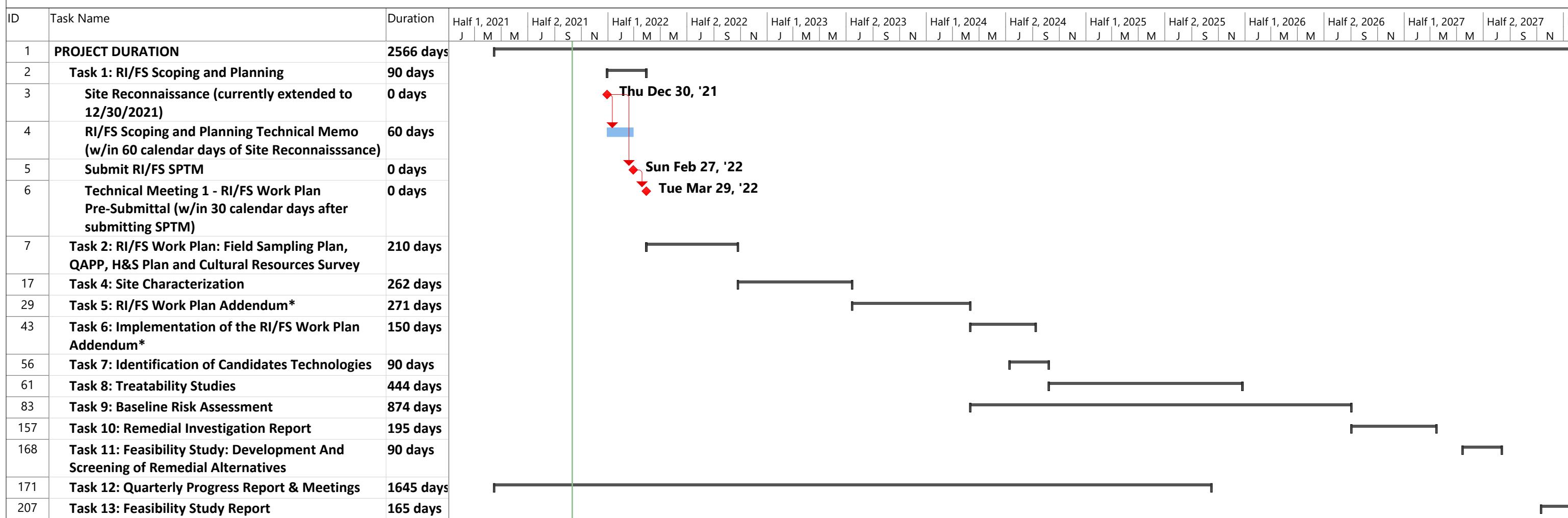
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## **Attachment B**

### **Gantt Chart Schedule**

**DRAFT FOR PLANNING PURPOSES**



PROTECO PROJECT SCHEDULE  
(DRAFT) October 2021  
\*To be requested by EPA if necessary.

